

Message Text

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ACTION PM-05

INFO OCT-01 EUR-12 ISO-00 CIAE-00 NSAE-00 NSCE-00
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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 4041

INFO CINCLANTFLT IMMEDIATE

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CNO WASHDC IMMEDIATE

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NOFORN

MILITARY ADDRESSEES ALSO FOR POLADS

E.O. 11652: XGDS-1

TAGS: MNUC, OCLR, US, FR

SUBJ: POTENTIAL NPW PROBLEM

REFS: A. USDAO PARIS 261452Z JUN 78.

B. CTG ONE THREE SEVEN PT SIX 272020Z JUN 78.

1. REFTELS DESCRIBE A NAVIGATIONAL INCIDENT ON THE HIGH SEAS INVOLVING THE NUCLEAR POWERED WARSHIP (NPW) NIMITZ. EMBASSY WOULD LIKE TO INSURE THAT DEPARTMENT IS FULLY AWARE OF THE POLITICAL PROBLEMS WHICH MAY BE RAISED BY THE USG DECISION ON THIS ISSUE AND RECOMMENDS THAT A CONFRONTATION BE AVOIDED AT THE PRESENT TIME, IF THIS IS POSSIBLE WITHIN THE CONSTRAINTS OF OUR LEGAL POSITION.

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2. THE GIST OF THE INCIDENT IS AS FOLLOWS. ON JUNE 21 THE NIMITZ INADVERTENTLY ENTERED A FIVE-MILE FORBIDDEN ZONE OFF OF USHANT ISLAND, AN AREA WHICH THE FRENCH NAVY IS NOW PATROLLING REGULARLY AS A RESULT OF THE AMOCO CADIZ OIL SPILL. IN NOTIFYING US NAVY ATTACHE (ALUSNA) IN PARIS OF THIS VIOLATION, THE FRENCH NAVY ALSO CHARGED THAT THE NIMITZ HAD VIO-

LATED FRENCH LAW 65-956 OF NOVEMBER 1965 WHICH ESTABLISHES A 12-MILE FORBIDDEN ZONE FOR ALL NUCLEAR POWERED SHIPS. ALTHOUGH THIS SAME LAW IS AT CENTER OF ONGOING NEGOTIATIONS WITH THE FRENCH ON NPW PORT CALLS, IT HAS NEVER BEEN RAISED HERETOFORE IN THE PRESENT CONTEXT. WHILE WE BELIEVE THAT THE CURRENT FRENCH NAVY POSITION IS PROBABLY THE RESULT OF HEIGHTENED SENSITIVITY DUE TO THE AMOCO CADIZ INCIDENT, THERE NONETHELESS REMAINS THE POSSIBILITY OF EVENTUAL LINKAGE BETWEEN THIS ISSUE AND THE NPW PORT CALL NEGOTIATIONS.

3. THE IMMEDIATE QUESTION IS WHETHER THE NIMITZ SHOULD COMPLY WITH THE FRENCH NAVY'S DESIRES (AND FRENCH LAW) BY REMAINING OUTSIDE OF 12 NM ON ITS RETURN TO THE MEDITERRANEAN, OR WHETHER IT SHOULD FOLLOW NORMAL TRANSIT LANES WHICH PASS WELL WITHIN THOSE LIMITS. SEVERAL FACTORS TO BE CONSIDERED IN MAKING THE DECISION INCLUDE:

--SHOULD THE NIMITZ AGAIN PASS WITHIN 12 NM, THE FRENCH NAVY COULD BE EXPECTED TO RAISE THE ISSUE ONCE AGAIN WITH ALUSNA. FOR THE MOMENT, THE FRENCH SEEM TO WANT TO KEEP THE ISSUE AT THE NAVY-TO-NAVY LEVEL, SINCE THEY THEMSELVES HAVE A FUTURE STAKE IN THE NPW QUESTION. BUT HAVING RAISED THE ISSUE AND THEN HAVING OBSERVED A SECOND "VIOLATION," THE NAVY MAY FEEL

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OBLIGED TO ESCALATE IT TO THE POLITICAL LEVEL.

--IS THERE DANGER OF PUBLICITY? THE CHANCES ARE SLIGHT UNLESS THE FRENCH NAVY CHOSE TO LEAK THE STORY (WHICH DOES NOT SEEM IN THEIR INTEREST).

--RN ADDITION TO THE POTENTIAL LINKAGE WITH THE NPW PORT CALL NEGOTIATIONS, THIS INCIDENT MAY BE ONLY THE FIRST OF MANY INVOLVING THE RIGHT OF PASSAGE FOR NUCLEAR POWERED VESSELS.

4. SHOULD THE FRENCH NAVY OBSERVE THE NIMITZ ON ITS RETURN VOYAGE AND DECIDE TO ESCALATE THE ISSUE, OUR CURRENT EFFORTS FOR FRENCH APPROVAL OF NPW PORT CALLS COULD BE JEOPARDIZED. IT WOULD BE PREFERABLE TO AVOID PROVOKING THE GOF AT A TIME WHEN THE PORT CALL DECISION MA BE COMING TO ITS FINAL STAGES. FOR THAT REASON-- AND IF THE CONSTRAINTS OF OUR LEGAL POSITION ON TERRITORIAL WATERS, RIGHT OF INNOCENT PASSAGE, ETC. WILL ALLOW IT--EMBASSY RECOMMENDS THAT A REASON BE FOUND TO ROUTE THE NIMITZ OUTSIDE OF THE 12 NM ZONE ON ITS RETURN TRIP.

HARTMAN

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NNN

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